

City of Augusta, Maine
DEPARTMENT OF CITY SERVICES

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Memo

To: City Council
Bill Bridgeo, City Manager
Mike Duguay, Director of Development Services

From: Matt Nazar, Deputy Director of Development Services

Date: August 16, 2010

Re: Map 87, Lot 1 Rezoning on Town and Country Road

The owner of the property petitioned the Planning Board for a modification of the zoning on her split zoned property at the end of Town and Country Road. Under the current ordinance, the zoning line splitting a parcel is a hard line. The uses from each zone can be conducted on the portion of the parcel in the zone in which it is located. Prior to August 1, 2005, split zoned parcels were allowed to conduct uses across the entire property from either zone in which the property was located.

On July 13, 2010, the Planning Board held a public hearing regarding the rezoning of a portion of a split zoned property off Town and Country Road (off Capitol Street). The applicant stated that the intended use of the property would be for office development. Several renderings of possible buildings for the site were shown to the public and the Board. The renderings showed structures similar in design to the office buildings in the area, with clapboard siding and a pitched roof.

The board heard from residents in the Ganniston neighborhood, with most, but not all, expressing agreement with the proposed rezoning, provided the remainder of the parcel continues to be zoned Residential A (RA).

The staff review that the Planning Board received regarding this proposal included the following analysis of the criteria for rezoning outlined in the Land Use Ordinance.

1. Consistency with the 2007 Comprehensive Plan

The property is located in Augusta's Westside Residential District which is identified in the 2007 Comprehensive Plan. It is a mix of neighborhoods and commercial corridors. Commercial corridors, such as Capitol Street, are important places of commerce. These corridors should generally be limited in depth to one to two lots deep. The lot that the applicant proposes to rezone is the second lot back from Capitol Street. The proposal is consistent with the 2007 Comprehensive Plan.

2. Consistency with Established Land Use Patterns

There are office buildings along Capitol Street and high density apartment buildings adjacent to the site. An office park would blend in well with the existing land uses in the area.

3. Creation of an Isolated District Unrelated to Adjacent Districts

The proposed rezoning would move a zoning line that crosses the parcel to expand the area that is in the BP zone. The proposed rezoning would not create an isolated district unrelated to other districts.

4. Potential Impact on Utilities, Roads, and Services

Electric power, private roads, and services exist adjacent to the subject parcel. Michael Morey of the Greater Augusta Utility District comments that "Development will require an extension of the existing water main from the intersection of Alton Road and Town & Country Road at the owner's expense. All sanitary sewers will be private and will utilize an existing private sanitary sewer pump station at the intersection of intersection of Alton Road and Town & Country Road. It will be the developer's responsibility to make sure the pump station is adequately sized to handle the additional flow."

5. Changed or Changing Neighborhood Conditions

It is not clear whether this criterion has been met. Staff recommends that the Planning Board discuss whether this criterion has been met.

After reviewing the rezoning criteria outlined in the Land Use Ordinance and deliberating, the Planning Board voted unanimously to recommend approval of the proposed rezoning. The Board recommended the following language for Council review.

**Rezoning or a portion of Tax Map 87, Lot 1
Land Use Ordinance – Map Amendment**

WHEREAS, the City Council finds that the criteria for approving a Map Amendment, found in section 1.6.1.A has been satisfied.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Augusta that the Augusta Land Use Ordinance Official Zoning Map be amended as follows:

A portion of the lot known as Assessor's Map 87, Lot 1, as shown on the attached map entitled "Proposed Rezoning of a Portion of Map 87, Lot 1", dated November 25, 2009, shall be rezoned in accordance with Section 1.6.1(A)(iv)(a) of the Augusta Land Use Ordinance. The zoning line shall be moved to a stream that runs across the property. The new zone shall be Institutional/Business/Professional (BP).